



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

November 15, 2018

**BY ECF**

The Honorable Lewis A. Kaplan  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**Re:    *United States v. Andreea Dumitru, S1 18 Cr. 243 (LAK)***

Dear Judge Kaplan:

The Government respectfully submits this letter to apprise the Court of the Government's concerns about potential testimony by defense witness Lenni Benson with respect to her writings, lectures, teachings, seminars, and other work on immigration policy and politically sensitive immigration issues.

For example, according to the defendant's expert notice, Professor Benson is the Director of New York Law School's Safe Passage Project Clinic, which provides *pro bono* counsel to immigrant and refugee children, including unaccompanied minors, who are at risk of being deported. *See* Safe Passage Project, <https://www.safepassageproject.org>. The defendant's notice also discloses that she "presented at a White House Briefing in August 2014 on the role of pro bono counsel in assisting immigrant youth in removal proceedings."

This advocacy and legal work appears to implicate the current public discourse on immigration policy and recent developments or policy changes with respect to immigration, about which the Court previously precluded references in any way during the trial, in the absence of specific advance disclosure to the Government and the Court and leave of the Court. (*See* Dkt. No. 48.)

The Government has conferred with defense counsel about its concerns regarding the potential implications of testimony about the above-referenced advocacy and legal work. At this juncture, it is uncertain whether there is cause for concern. Out of an abundance of caution, and to avoid potential objections and sidebar discussions during Professor Benson's testimony, the Government respectfully requests that before Professor Benson takes the stand, the Court inquire with defense counsel about the scope and detail of any such testimony that defense counsel intends to elicit.

November 15, 2018

Page 2

Respectfully submitted,

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